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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,727

09/25/2003

Yasushi Mochizuki

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
15975 ALTON PARKWAY
IRVINE, CA 92618-3731

EXAMINER

AMINI, JAVID A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,727	Applicant(s) MOCHIZUKI ET AL.	
	Examiner JAVID A. AMINI	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 37-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 37-66 is/are rejected.
- 7) ☒ Claim(s) 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 10/17/2007 have been fully considered but they are not persuasive.

In response to Applicant's argument on page 11 in second paragraph, the Kato does not teach what makes up the sequence of images, Kato in col. 1 lines 17-18 teaches clearly a sequence of photographs developed on a film.

In response to Applicant's argument on page 12 at second paragraph, Kato does not teach designating continuous plural images from an original range of images, as repeated in the previous rejection, selecting continuous images is inherent, see col. 4 line 64, col. 5 lines 5, 7-8.

In response to Applicant's argument on page 12 the same paragraph, Kato does not teach a selected range of images from an original range of images, Kato teaches trimming a film, and inherently the film contains start/end frames.

In response to Applicant's argument on same page third paragraph, Kato does not teach cutting out images, see col. 1 lines 54-63, and in col. 6, lines 43-53.

In response to Applicant's argument on the same page in fourth, and fifth paragraphs, Owens does not teach videos are selected not a continuous range of images, repeating from the rejection: (Owens discloses selecting or designates a plurality of continuous images, which is disclosed by the "sequence of images [0014], or GOP (group of pictures) from MPEG definition [0015] wherein the video is partitioned into segments [0016] which the claimed "to designate continuous plural images from an original range of images".)

In response to Applicant's argument on the same page at six paragraph, that neither of the references teaches "a generating unit adapted to cut out the area determined by the

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area determination unit from each of the continuous plurality images, and to generate a range of continuous images comprising the continuous plurality images”, repeating from the rejection the reference Kato teaches, see column 9, lines 25-50. The second reference Owens teaches at paragraphs 0018, and 0020 .*Id.*

Examiner’s comments: with respect to Applicant’s arguments, above and previous rejections independent claims 1 and 37 are still maintained the previous rejections. On page 13 of the remarks, Applicant argues new independent claims 65 and 66 contain similar features to claims 37, and is therefore believed allowable. Examiner’s reply: since independent claims 65 and 66 are contained similar features to independent claim 37, therefore claims 65-66 are rejected with similar reasons as set forth in claim 37, below.

Claim Objections

Claim 66 is objected to because of the following informalities: Examiner suggests the preamble of claim 66 should be read as follows: A computer-readable medium having a stored computer program in a storage medium for controlling an image processing comprising:”
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 37-66 are rejected under 102(b) as being anticipated by Kato et al., 6,016,362

("Kato"):

37. An image processing apparatus comprising:

an image designating unit adapted to designate continuous plurality images from an original range of images comprising a plurality of images (Kato, e.g. the "maker" of the image sequence specifies how each image in the sequence is to be cut, so that selecting continuous images is inherent, see column 3, lines 2-3, 8-9, 14-16, 23-27, 34-36, 39-42, 46-48, 51-53, 56-58, 65-67; column 4, lines 6-7, 11-12; and explicitly, a "sequence is made ... with a telecine apparatus" in column 4, lines 49-55, so that continuous images must inherently be designated, since they could not otherwise be cut; and "the resulting sequence of images ... is regarded as one with director's approval" in column 4, lines 64-65, so it is clear continuous images are designated);

a trimming area determination unit adapted to determine trimming areas of at least two images from continuous plurality images designated by the image designating unit (Kato, column 6, lines 43-53, a rectangular 4:3 area with Xe center, Film_e_width, and Film-height is "designated");

an area determination unit adapted to determine, **based on the trimming areas determined by the trimming area determination unit**, an area to be cut out of each of remaining continuous plurality images designated by the image designating unit, **the remaining continuous plural images other than the at least two images in which trimming areas have been determined by the trimming area determination unit** (Kato, the paragraph bridging cols.

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7-8), Examiner's comments regarding "... **the trimming areas determined by the trimming area determination unit**", Kato the paragraph bridging cols. 1-2 or in fig. 9 teaches clearly information on cutting-out positions on a film designated by a filmmaker is input to a telecine apparatus. The telecine apparatus cuts out portions of frames on the film in accordance with the cutting-out position information, thereby making a sequence of 4:3 edge-cropped images.

Examiner's note: the telecine apparatus enables a motion picture, captured originally on film, to be viewed with standard video equipment, such as televisions, video cassette decks or computers, and the maker/filmmaker/director supervises the conversion into right formats e.g., TV format, Video format, Computer format.

a generating unit adapted to cut out **the trimming areas determined by the trimming area determination unit** and the area **to be cut out** determined by the area determination unit, and to generate a range of continuous images comprising the continuous plurality images (Kato, column 9, lines 25-50).

61. An image processing apparatus according to claim 37,

wherein the area determination unit is adapted to determine a position and/or size of the trimming areas of each of the continuous plurality images designated by the image designating unit so as to proportionally change from the trimming area of the image determined by the trimming area determination unit to the trimming area of the other image determined by the trimming area determination unit is provided by Kato by a proportional change ratio of 4:3 in column 6, lines 43-67.

For claims 1, 38-66, see the rejection of claim 37. A start and end frame are clearly inherent in the sequence of Kato.

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Alternatively,

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 37, 65-66 are rejected under 102(e) as being anticipated by Owens et al. (US 2003/0202110).

An image processing apparatus comprising: an image designating unit adapted to designate continuous plural images-from an original range images comprising a plurality of images;

(Owens discloses selecting or designates a plurality of continuous images, which is disclosed by the "sequence of images [0014], or GOP (group of pictures) from MPEG definition [0015] wherein the video is partitioned into segments [0016] which the claimed "to designate continuous plural images from an original range of images".)

a trimming area determination unit adapted to determine trimming areas of at least two images from the continuous plural images designated by the image designating unit;

(Next, Owens discloses in paragraph [0018] "The operator.. .can pause the video or sequence so that a **single image** is presented within area 106 for consideration" then allows the operator to " ...zoom in or out so that area 106 includes an entire image or only a **part of an image..** ." and finally "Image processing, including for example...**auto-cropping** may be performed on a **selected image**".

This paragraph clearly discloses trimming areas. Further as to "at least two images from two from continuous plural images ... this is disclosed in the first 2 lines of paragraph [0019] which states, "Once an image or sequence of images for one area is selected..."

an area determination unit adapted to determine, **based on the trimming areas determined by the trimming area determination unit**, an area to be cut out of each of remaining continuous plurality images designated by the image designating unit, **the remaining continuous plural images other than the at least two images in which trimming areas have been determined by the trimming area determination unit; and**

(The area determination unit is disclosed by the process of the operator selecting a **"part of an image"** as disclosed in paragraph [0018], and at last sentences of paragraph [0018] disclosed auto-cropping may be performed on a selected image)

a generating unit adapted to cut out **the trimming areas determined by the trimming area determination unit and the area to be cut out** determined by the area determination unit, and to generate a range of continuous images comprising the continuous plurality images.

(Once one or more of "part of an image", the "sequence of imaged for one area is selected" and presented in area 106. That is, the generating unit ... to generate a range of continuous images is disclosed by the step of providing a "sequence of sill images" to one of the selected regions such as region 104, 106, 108, etc., see also paragraph [0020].)

Claims 65-66 are rejected with similar reasons as set forth in claim 37, above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVID A. AMINI whose telephone number is (571)272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Javid A Amini
Primary Examiner
Art Unit 2628

/Javid A Amini/
Examiner, Art Unit 2628